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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/036,286	12/31/2001	Neeraj Kumar	G07.010	4570
28062	7590	10/19/2006	EXAMINER	
BUCKLEY, MASCHOFF, TALWALKAR LLC			APPLE, KIRSTEN SACHWITZ	
5 ELM STREET			ART UNIT	PAPER NUMBER
NEW CANAAN, CT 06840			3693	

DATE MAILED: 10/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/036,286	KUMAR ET AL.	
	Examiner Kirsten S. Apple	Art Unit 3693	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 31 December 2001.  
 2a) This action is **FINAL**.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-35 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-35 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
     Paper No(s)/Mail Date 12/31/2001.

4) Interview Summary (PTO-413)  
     Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_.

## **Detailed Action**

This action is in response to the application filed on 12/31/2001.

### ***Priority***

No claim for priority has been made in this application.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-35 are

rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In particular it is indefinite and the examiner did not understand:

“segment”

as presented it at least the depend claims.

It is unclear to the examiner and one of ordinary skill in the art what is claim by this description. For the purposes of this review the examiner will interpret the claim to be:

“marketing segment”

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lancaster (U.S. Patent Publication 2002/0194094 A1) in view of Kotler (Marketing Management)

**Re claim 1, 23, 30, 31, :** Lancaster discloses:

*A method for identifying recipients of communication & promoting financial products comprising:*

*Providing a first communication of financial product (see Lancaster, Figure 1, pre-item 305, it is inherent that there was some form of communication for them to know about the base product)*

*Determining marketing segments, including recipients having and associated response rate (see Lancaster, Figure 1, item 310)*

*Determining at least one criterion associated with communication (see Lancaster, Figure 1, item 310)*

*Determining marketing segments to satisfy criterion (see Lancaster, Figure 1, item 310)*

*Providing a second communication to a member of the marketing segments (see Lancaster, Figure 1, item 315)*

The examiner believes that determining marketing segment is inherent in “analyze customer info” However, to make the record clear, should it be interpreted that Lancaster does not have marketing segments, Kotler claims “marketing segments” (see Kotler, page 278 – 306 – specifically 278 & financial services case example of BOA page 293-294.)

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to add Marketing segments as taught in Kotler to Lancaster.

It is clear that one would be motivated because more exact form of analyzing to improve sales revenue.

**Re claim 2, 17:** Lancaster discloses:

*Determining marketing segments or information include one of the following:*

*Receiving credit history (see Lancaster, Figure 1, item 150)*

*(the below additional items may also be in the prior art but one references is sufficient)*

*Receiving list of potential recipients*

*Receiving demographic info*

*Receiving lifestyle info*

*Receiving credit performance*

**Re claim 3, 6:** Lancaster discloses:

*Determining marketing segments include one of the following:*

*Determining a score (see Lancaster, Figure 6B, FICO Score)*

*(the below additional items may also be in the prior art but one references is sufficient)*

*Determining responses*

**Re claim 4, 11:** Lancaster discloses:

*Determining criterion:*

*Receiving data of criterion (see Lancaster, Figure 2, Item 220)*

**Re claim 5, 19:** Lancaster discloses:

*Determining marketing segments or info include one of the following:*

*Selecting marketing segment of members to which can be sent for a cost less than a max cost required by criterion & maximum allowable cost associate with communication (see Lancaster, Figure 5 & Figure 6A & paragraph 71)*

*(the below additional items may also be in the prior art but one references is sufficient)*

*Selecting marketing segment that provide & desired minimum response rates*

*Selecting marketing segment & desired minimum & maximum recipient pool size*

**Re claim 7, 28 & 29:** Lancaster discloses:

*Determining an indicative characteristic of marketing segments*

*Marketing segments include persons with indicative characteristics. (see Lancaster, Figure 2, item 220 + Kotler page 279)*

**Re claim 8, 21, 26, 27 & 32:** Lancaster discloses:

*Providing & selecting communication & first communication & second communication (see Lancaster, Figure 2, item 210 & 230)*

**Re claim 9:** Lancaster discloses:

*Providing notification of marketing segments that satisfy criterion (see Lancaster, Figure 5, item 550 + Kotler page 279)*

**Re claim 10, 24, 25:** Lancaster discloses:

*Communication & first communication & second communication comprises:*

*Email (see Lancaster, Figure 4B, item 470 + paragraph 79)*

*(the below additional items may also be in the prior art but one references is sufficient)*

*Instant message*

*Letter*

*Electronic signal*

*Message sent to postal address*

*Wireless transmission*

**Re claim 12:** Lancaster discloses:

*Format and content of failure report selectable (see Lancaster, Figure 4B, item 480)*

**Re claim 13, 18:** Lancaster discloses:

*Determining behavior & info include one of the following:*

*Use of a financial product (see Lancaster, Figure 2, item 220 + Kotler page 293*

*“monitor large deposit”)*

*(the below additional items may also be in the prior art but one references is sufficient)*

*Incremental use of a financial product*

*Purchase of a product with a financial product*

*Signing up for a credit card*

*Agreeing to accept a credit card*

**Re claim 14:** Lancaster discloses:

*Designated behavior includes:*

*Incremental use of a financial product over non-recipients of communication (see Lancaster, Figure 2, item 220 + Kotler page 293 “monitor large deposit”)*

**Re claim 15:** Lancaster discloses:

*Financial product includes one of the following:*

*Credit card*

*Debit card*

*The examiner sites “official notice” that a credit card or debit card would be a financial product*

**Re claim 16:** Lancaster discloses:

*Determining info regarding potential recipients (see Lancaster, Figure 2, item 220)*

**Re claim 20:** Lancaster discloses:

*Determining potential recipients (see Lancaster, Figure 2, item 220 + Kotler page 279)*

**Re claim 20:** Lancaster discloses:

*Communication includes an offer regarding a financial product (see Lancaster, Figure 2, item 230)*

**Re claim 29:** Lancaster discloses:

*Marketing segments include person of recipients that has an indicative characteristic associated (see Lancaster, Figure 2, item 220 + Kotler page 279+)*

#### ***Examiner Remarks***

This application appears to have not unique invention beyond basic “marketing marketing segmentation theory” which has been known and employed by firms for years in many industries. This is basic Marketing 101 course material. While the examiner cited some references in the action there are an unlimited number of references that would read on the limitations as they are currently presented in the application.

#### ***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kirsten S. Apple whose telephone number is 571.272.5588. The examiner can normally be reached on Monday - Friday 7:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-272-6126.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ksa



ELLA COLBERT  
PRIMARY EXAMINER